IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LARRY F. GREGORY,

      Plaintiff,

v.   **//**   **CIVIL ACTION NO. 1:05CV103**
                                      (Judge Keeley)

EDWARD RUDLOFF, Administrator,
JIM RUBENSTEIN, Commissioner of
DOC, STEVEN CANTENBURY, REGIONAL
JAIL AUTHORITY,

      Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 14, 2005, <u>pro se</u> plaintiff Larry F. Gregory filed an action pursuant to 42 U.S.C. § 1983 and an application for leave to proceed <u>in forma pauperis</u>. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09. On August 18, 2005, Magistrate Judge Seibert filed his Report and Recommendation recommending that Gregory's case be dismissed without prejudice for failure to both timely file a completed consent to collection of fees form and pay the requisite filing fee.

The Report and Recommendation also specifically warned that failure to object to the recommendation would result in the waiver
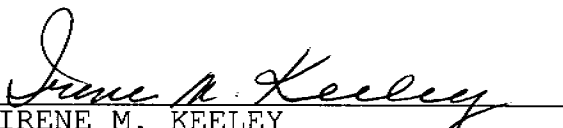
ORDER ADOPTING REPORT AND RECOMMENDATION

of appellate rights on this issue. Nevertheless, Gregory failed to file an objection.[1]

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** Gregory's case **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's docket. Likewise, the Court **DENIES** Gregory's application for leave to proceed in forma pauperis.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff.

Dated: November _____ *30* _____, 2005.

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

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[1] Gregory's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).